

**MINUTES FOR THE COURT OF APPEAL
STATE OF CALIFORNIA
SECOND APPELLATE DISTRICT**

September 5, 2007

DIVISION TWO

B193599 Vukos (Not for Publication)
v.
Regal Medical Group, Inc.

The summary judgment in favor of Regal is affirmed. Regal to recover its costs on appeal.

Doi Todd, Acting P.J.

We concur: Ashmann-Gerst, J.
Chavez, J.

B193924 People (Not for Publication)
v.
Gallegos

The judgment is affirmed.

Doi Todd, J.

We concur: Boren, P.J.
 Chavez, J.

DIVISION TWO (continued)

B196250 In re Hyde
 on
 Habeas Corpus

Filed order certifying opinion for publication.

B186093 Porter, et al. (Not for Publication)
 v.
 Vincenti

The judgment is affirmed. The Porters shall recover their costs no appeal.

Ashmann-Gerst, J.

We concur: Boren, P.J.
 Chavez, J.

B193868 SCME Mortgage Bankers, Inc. (Not for Publication)
 v.
 Jeknavorian

The order of the trial court denying Jeknavorian's motion to vacate his default is affirmed. The judgment is reversed and remanded to the trial court with directions to modify the judgment to limit the award of damages to \$400,000. The parties are to bear their own costs on appeal.

Ashmann-Gerst, J.

We concur: Boren, P.J.
 Chavez, J.

DIVISION TWO (continued)

B185242 People (Not for Publication)
v.
Cevallos

The matter is remanded to the trial court for a new sentencing hearing at which the trial court shall exercise its discretion under section 1385 in deciding whether to strike the principal armed enhancements provided by section 12022, subdivision (a) or impose the term provided for those enhancements. The judgment is modified to provide that execution of sentence for embezzlement on counts 1, 5, 56, 59, and 63 is stayed. The stay is to become permanent on completion of service of sentence on those counts. The trial court is ordered to send a certified copy of the corrected abstract of judgment to the Department of Corrections. In all other respects, the judgment is affirmed.

Ashmann-Gerst, J.

We concur: Boren, P.J.
 Chavez, J.

[illegible]

The judgment is affirmed.

Ashmann-Gerst, J.

We concur: Doi Todd, Acting P.J.
Chavez

September 5, 2007 (Continued)

DIVISION TWO (continued)

[illegible]

The judgment is affirmed.

Ashmann-Gerst, J.

We concur: Doi-Todd, Acting P.J.
Chavez, J.

B182474 London, et al.
v.
Boshes

Filed order modifying opinion. Petition for rehearing is denied. (No change in judgment)

DIVISION THREE

B196960 People (Not for Publication)
v.
Michael A. Holguin

The appeal is dismissed.

Klein, P.J.

We concur: Croskey, J.
 Kitching, J.

September 5, 2007 (Continued)

DIVISION THREE (continued)

B198538 Pauline Fairbanks et al
 v.
 S.C.L.A.
 Farmers New World Life Insurance Co., et al

Filed order modifying opinion. (No change in the judgment)

B200059 Tanesha U.
 v.
 S.C.L.A.
 Los Angeles County Department of Children and Family Services

Filed order modifying opinion. (No change in the judgment)

B189158 Frontier Oil Corporation et al.,
 v.
 RLI Insurance Company

Filed order modifying opinion. (No change in the judgment)

DIVISION FIVE

Court convened at 9:00 a.m.

Present: Turner, P.J., Armstrong, J., Kriegler, J. and D.Nolan, Deputy Clerk.

B194456 People v. Santoyo

Argument waived, cause submitted.

B190428 Barton v. Kahn

Argument continued to October 3, 2007

DIVISION FIVE (continued)

B192782 People
 v.
 Keith Dwane Pye

Merits:

Argued by Joan Wolff for appellant and by Daniel Chang, Deputy Attorney General for respondent. Cause submitted.

B193444 Betty Lou Sandsmark, et al.,
 v.
 American Honda Motor Corporation

Merits:

Argued by Gina M. Tufaro for appellants and by Eric Y. Kizirian for respondent. Cause submitted.

B188741 Topaz Summerfield et al.,
 v.
 Edward Elio Galante

Merits:

Argued by James Goldman for appellant Topaz Summerfield, by Jay R. Stein for appellant Sable Summerfield and by Donald C. Randolph for respondent. While Mr. Randolph was arguing, he was interrupted by plaintiff, Topaz Summerfield, who was seated in the courtroom. Court was recessed. Ms. Summerfield was directed to observe the remainder of Mr. Randolph's argument from the lobby outside the courtroom on close circuit television. Mr. Randolph resumed his argument. Cause submitted.

Court recesses.

Court reconvenes at 10:45 a.m.

Present: Turner, P.J., Armstrong, J., Kriegler, J. and D. Nolan, Deputy Clerk.

DIVISION FIVE (continued)

Each of the following:

B197935 DCFS v. Jesus R.
B194840 People v. Betterson
B188116 People v. Harling
B192382 Isip v. Mercedes Benz

Argument waived, cause submitted.

B193289 People
 v.
 Bufford Hilton Joice

Merits:

Argued by Matthew D. Alger for appellant and by Richard Moskowitz,
Deputy Attorney General for respondent. Cause submitted.

Court recessed.

Court convened its 11:00 a.m.

Present: Armstrong, Acting P.J., Mosk, J., Kriegler, J. and D. Nolan, Deputy Clerk.

Each of the following:

B199671 Crystal B. v. SCLA (DCFS)
B199637 Teresa G. v. SCLA (DCFS)
B197417 In re Lowell F; DCFS v. Lowell F.
B197749 People v. Lozano

Argument waived, cause submitted.

DIVISION FIVE (continued)

B194322 Kenneth Ohara et al.,
 v.
 Dennis Swing

Merits:

Argued by Kenneth G. Ruttenberg for appellant and by Allison Arabian for respondents. Cause submitted.

Court recessed.

Court reconvened at 1:00 p.m.

Present: Armstrong, Acting P.J., Mosk, J., Kriegler, J. and J. Belcher, Deputy Clerk.

Each of the following:

B192569 Peo v. Wilson
B193617 Peo v. Windbush
B198295 DCFS v. Kha-Shan G.

Argument waived, cause submitted.

B196373 Jose Gonzalez
 v.
 Western Pacific Roofing Corp. et al.,

Merits:

Argued by Richard Donahoo for appellants and by Robert Roginson for respondents. Cause submitted.

DIVISION FIVE (continued)

B192581 People
 v.
 Jesus Garcia

Merits:

Argued by Lawrence Young for appellant and by Richard Moskowitz, deputy attorney general, for respondent. Cause submitted.

B183712 People
 v.
 Matthew & Jennifer Fletcher

Merits:

Argued by David Goodwin for appellant Jennifer Fletcher and by Scott Hayward, deputy attorney general, for respondent. Counsel for appellant Matthew Fletcher waived argument. Cause submitted.

Court recessed.

Court reconvened at 2:40 p.m.

Present: Armstrong, Acting P.J., Mosk, J., Kriegler, J. and J. Belcher, Deputy Clerk.

B190809 La Ronda Hunter
 v.
 General Motors Corporation

Merits:

Argued by Dennis Moss for appellants and by Andrew Langan for respondent. Cause submitted.

Court adjourned at 3:15 p.m.

DIVISION FIVE (continued)

B193191 People (Not for Publication)
 v.
 Shawn S.

The matter is remanded to the trial court to declare the offense to be a felony or misdemeanor. The court's orders are affirmed in all other respects.

Armstrong, Acting P.J.

We concur: Mosk, J.
 Kriegler, J.

DIVISION SIX

B189977 Allstate Insurance Company (Certified for Publication)
 v.
 Mercury Insurance Company

The judgment is affirmed. Appellant to bear costs on appeal.

Gilbert, P.J.

We concur: Yegan, J.
 Coffee, J.

DIVISION SEVEN

B192999 People (Not for Publication)
v.
Zaragoza

The judgment is modified to provide on count 2 (grand theft of personal property), Zaragoza is sentenced to the middle term of two years, with execution of sentence stayed under Penal Code section 654, the stay to become permanent upon service of sentence on count 1 (unlawful driving or taking of a vehicle). As so modified, the judgment is affirmed. The clerk of the superior court is directed to send a corrected abstract of judgment to the Department of Corrections.

Johnson, Acting P.J.

We concur: Woods, J.
Zelon, J.

B187191 People (Not for Publication)
v.
Benitez

The judgment is affirmed.

Johnson, J.

We concur: Perluss, P.J.
Zelon, J.

B193393 People (Not for Publication)
v.
Zaragoza

The judgment is affirmed.

Johnson, Acting P.J.

We concur: Woods, J.
Zelon, J.

DIVISION SEVEN (continued)

B194891 Department of Fair Employment & Housing (Certified for Publication)
v.
1105 Alta Loma Road Apartments, LLC

The order is affirmed. Respondent(s) to recover costs.

Johnson, J.

We concur: Perluss, P.J.
Zelon, J.

DIVISION EIGHT

B199111 R.S., (Certified for Publication)
v.
Superior Court, Los Angeles County
(Los Angeles County Department Of Children and Family Services et al.

The petition for an extraordinary writ is granted. The juvenile court is ordered to (1) vacate its order of April 23, 2007, denying reunification services under section 361.5 and, instead, (2) schedule a new hearing to (a) determine if father is seeking custody of E.S. and, if so, (b) make the appropriate findings under section 361.2. As our opinion vacates the order setting the section 366.26 hearing, our previous order temporarily staying the section 366.26 hearing is dissolved. This opinion is final forthwith as to this court under rule 8.264 of the California Rules of Court.

Rubin, J.

We concur: Cooper, P.J.
Boland, J.